

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1165.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF OATS.

On August 1, 1911, the United States Attorney for the Eastern District of Virginia, at the instance of the Deputy Dairy and Food Commissioner of the State of Virginia, who was acting under authority of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of two carloads of oats. Both cars of oats were consigned by T. A. Grier & Co., of Peoria, Ill., one to Alvey Bros. and the other to Simpson, Bass & Co., both of the city of Richmond, State of Virginia. The said oats were sold and invoiced as No. 3 mixed oats.

Samples of said oats were taken by a duly authorized inspector from the cars on the tracks of the Chesapeake & Ohio Railway Co., Richmond, Va., and were examined by Dr. C. M. Bradbury, a collaborating chemist of the United States Department of Agriculture, said examination showing that the oats consigned to Alvey Bros. contained only about 60.8 per cent of oats, the remainder being foreign seeds, stems, straws, dirt, and other foreign matter; and the consignment to Simpson, Bass & Co. contained only about 66.92 per cent of oats, the remainder being foreign matter. The libel alleged the interstate transportation of said oats as aforesaid and that they remained in the original unbroken packages, and were adulterated and misbranded in violation of the Food and Drugs Act of June 30, 1906, and were therefore liable to seizure for confiscation. Adulteration was alleged for the reason that other substances, to wit, foreign seeds, stems, straws, dirt, and other foreign matter had been mixed and packed with the product so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part therefor. Misbranding was alleged for the reason that said oats were sold and invoiced as oats, when in fact they were not oats, but a mere imitation thereof.

On August 1, 1911, the court found the oats adulterated and misbranded as alleged in the libel, and entered a decree condemning and confiscating the two carloads of oats to the United States, but with a proviso that upon the payment of costs and giving of a proper bond conditioned that the oats should not be sold or disposed of contrary to law, that they might be released to the claimant, whereupon the bond was given and the seized goods were duly released.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 9, 1911.*